



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

BAKER & HOSTETLER LLP  
WASHINGTON SQUARE  
SUITE 1100  
1050 CONNECTICUT AVENUE, N.W.  
WASHINGTON DC 20036

**COPY MAILED**

**APR 16 2004**

**OFFICE OF PETITIONS**

In re Application of  
Harvey Schneider et al.  
Application No. 10/615,295  
Filed: July 9, 2003  
Attorney Docket No. 87334.5620

DECISION ACCORDING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) on October 31, 2003.

The petition is GRANTED.

The above-identified application was filed on July 9, 2003. The application names Harvey Schneider and David Michael Carson as joint inventors but the oath or declaration filed on July 9, 2003, was not executed by Mr. Schneider.

Accordingly, on October 10, 2003, a "Notice To File Missing Parts of Application" was mailed, requiring, *inter alia*, an executed oath or declaration, and a surcharge for its late filing. A two month period for reply was set.

In response, on October 31, 2003, a petition under 37 CFR 1.47(a) was filed noting the last known address of Harvey Schneider, the surcharge and an authorization to charge a deposit account for the petition fee along with a declaration signed only by David Michael Carson. A statement by the attorney of record indicates that the application papers were sent to Mr. Schneider via FEDEX and that Mr. Schneider has failed to return an executed oath or declaration in response.

The proof of mailing is in the form of copies of the cover letter mailed and the FEDEX tracking list. The proof shows also that the application papers were mailed on two separate occasions, June 20, 2003 and October 10, 2003. The FEDEX tracking information bears proof that the packages sent were actually delivered. The applicant files this petition alleging that joint inventor Harvey Schneider refuses to sign the oath/declaration and seeks status under 37 CFR 1.47(a).

The proof submitted substantiates the presumption that by his actions, Mr. Schneider refuses to execute the oath and declaration and to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.


The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Additionally, pursuant to the request filed October 20, 2003, a Corrected Filing Receipt is included correcting the title of the invention to "**ROTOR SPEED CONTROL DEVICE AND METHOD**"

Technology Center 2837 will be notified that the petition under 37 CFR 1.47(a) has been granted and the application will be examined in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

  
Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

ATTACHMENT : CORRECTED FILING RECEIPT



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

HARVEY SCHNEIDER  
1872 BUCKS HILL ROAD  
SOUTHBURY, CT 06488

**COPY MAILED**

**APR 16 2004**

**OFFICE OF PETITIONS**

In re Application of  
Harvey Schneider et al.  
Application No. 10/615,295  
Filed: July 9, 2003  
For: ROTOR SPEED CONTROL DEVICE AND METHOD

Dear Mr. Schneider:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (703) 305-4497. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

cc:  
BAKER & HOSTETLER LLP  
WASHINGTON SQUARE  
SUITE 1100  
1050 CONNECTICUT AVENUE, N.W.  
WASHINGTON DC 20036